IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

CMC.No. 64 of 2000()

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AS.8/1998 of DISTRICT COURT, LAKSHADWEEP
OS 23/92 OF MUNSIFF COURT, AMENI, LAKSHADWEEP ISLANDS

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PETITIONER:

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1. PALLICHAPPURA SYED MUHAMMED KOYA, S/O.ASROMMABI, COCONUT FARMER, AMENI,

2. PALLICHAPPURA, SYED KOYA, S/O.ASROMMABI, MECHANIC, FISHERIES DEPARTMENT, AMENI

BY ADV. SRI.A.P.CHANDRASEKHARAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.M.KRISHNAKUMAR

RESPONDENTS:

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1. PALLICHAPPURA BALIYABEE, D/O.ASROMABI, AMENI

2. PALLICHAPPURA KOYA, S/O.ASROMABI, RETD.TEACHER, AMENI

3. HAJIRABI, D/O.BALIYABI, AMENI

4. SARROMMABI, D/O.BALIYABI, AMENI

5. AMINABEEGUM, D/O.BALIYABI, AMENI

6. AYSHASULTHANA, D/O.BALIYABI, AMENI

7. FATHIMATH SUHRABI, D/O.BALIYABI, AMENI

8. HAMEETHATHBI, D/O.BALIYABI, AMENI

9. AYSHATHBI, D/O.HAJARABI, STUDENT, AMENI

10. PALLICHAPURA MOHAMMED KHALEEL, S/O.HAJARABI, STUDENT, AMENI

11. NOORUL AMEEN, S/O.HAJARABI, STUDENT, AMENI

12. NOORUNNISA (16 YEARS) D/O.SAROMMABI (MINOR)

13. KAMARUNNISA, (MINOR) 12 YEARS, D/O.SARROMMABI

14. MOHAMMED NISSAMUDDIN, (MINOR) 10 YEARS, S/O.SAROMMABI (MINOR RESPONDENTS 12 TO 14 REP. BY R4 SARROMMABI THEIR MOTHER AND GUARDIAN)

15. PALLICHAPURA MOHAMMED JABIR (MINOR) 15 YEARS, S/O.AMEENABEEGUM

16. -DO- MOHAMMED JAWAHIR, 12 YEARS (MINOR) S/O.AMEENABEEGUM

17. -DO- MOHAMMED YASIR, 10 YEARS (MINOR) S/O.AMEENABEEGUM

(MINOR RESPONDENTS 15 TO 17 REP. BY R5 AMEENABEEGUM THEIR MOTHER AND GUARDIAN)

18. PALLICHAPPURA THOUSEEFALI, 13 YEARS, (MINOR), S/O.AYSHASULTHANA

19. -DO- THARSEELA BEEGUM, 10 YEARS (MINOR), D/O.AYSHASULTHANA (MINOR RESPONDENTS 18 AND 19 REP. BY R6 AYSHASULTHANA THEIR MOTHER AND GUARDIAN)

20. -DO- POOKOYA, 88 YEARS, S/O.PATHUMMATHADA ABOOSALAKOYA, AMENI

21. -DO-ABDULKADERKOYA, 83 YEARS, S/O.-DO-, AMENI

22. -DO- HAMSAKOYA, 66 YEARS, S/O.PATHUMMATHADA SHAIKOYA AMENI

23. -DO- ATTAKOYA HAJI, 73 YEARS, S/O.PALLICHAPURA CHERIYABI, AMENI

24. -DO- MOHAMMED KOYA, 65 YEARS, S/O.CHERIYABI, AMENI

25. PALLICHAPURA SHAIKOYA, 62 YEARS, S/O.PALLICHAPURA CHERIYABI, AMENI

26. -DO- DR.POOKUNHIKOYA, SENIOR MEDICAL OFFICER, 58 YEARS, S/O.N.C.CHERIYAKOYA, AMENI

27. -DO- BEE, AGED 68 YEARS, D/O.CHERIYABI, AMENI

28. -DO- CHERIYAKOYA MUSALIAR, 50 YEARS, S/O.BEE, AMENI

29. -DO- MUTHABI, 48 YEARS, D/O.BEE, AMENI

30. -DO- ABDURAHIMAN, 38 YEARS, S/O.BEE, AMENI

31. -DO- JAFFER, 35 YEARS, S/O.BEE, AMENI

32. -DO- AHAMED SAYED SHAIKOYA, 33 YEARS, S/O.BEE, AMENI

33. -DO- MOHAMMED ASHRAF, 31 YEARS, S/O.BEE, AMENI

34, -DO- ABDURASSACK, 27 YEARS, S/O.MUTHUBI, AMENI

35. -DO- ABDUL JALEEL, 23 YEARS, S/O.MUTHUBI, AMENI

36. -DO- NAFEESHATHBI, 17 YEARS, D/O.MUTHUBI, AMENI

37. -DO- MOHAMMEDZUL KIPHIL, 6 YEARS (MINOR), S/O.AMENABI, AMENI

(MINOR RESPONDENTS 36 & 37 REP. BY GUARDIAN R34)

BY SMT.PREETHY KARUNAKARAN
R1, R3, R15 & R19 BY SRI.R.RAJESH KORMATH
SRI.ANISH S.AMBADY
R18 -- R20, R22 BY SRI.S.V.BALAKRISHNA IYER

THIS CIVIL MISC.CASES HAVING BEEN FINALLY HEARD ON 12/12/2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO. 3555 OF 2000 IN CMC 64/2000

DISMISSED

27/9/2006

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

**M.SASIDHARAN NAMBIAR,J.**

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C.M.C .NO.64 OF 2000

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Dated 12th December 2006

**O R D E R**

As per order dated 27/9/2006 A.S.9/98 pending before District court, Kavarathi was transfered to District court, Kozhikode. District Judge, Kavarathi has reported that A.S.8/98 was disposed by that court as early as on 21/10/2002, as it was submitted before the court that matter has been settled. As A.S.8/98 was disposed on 21/10/2002, order dated 27/9/2006 to transfer the same is recalled and C.M.C.64/2000 is dismissed as infructuous.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.

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M.SASIDHARAN NAMBIAR,J.

**ORDER**

C.M.C.No.64 OF 2000

12th December 2006

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Petitioners are defendants 1 and 2 in O.S.23/92. Challenging decree and judgment granted in that suit. A.S.8/98 was filed before District court, Kavarathi which is pending. This petition is filed to transfer A.S.8/98 to District court, Kozhikode contending that judgment in O.S.23/92 is based on Ext.A31 judgment passed in O.S.30/97 which was passed by the very same Judge who is hearing A.S.8/98 and in such circumstances case may be transferred to District court, Kozhikode for disposal.

2. Fact that parties in O.S.30/97 are parties in O.S.23/92 was not disputed. It is also admitted case that challenging Ext.A31 judgment namely judgment in O.S.30/97, an appeal was filed and it is pending before this court. Case of respondents is that if at all petitioner can move the District court to stay the appeal under Section 10 of C.P.C.

3. Considering the fact the decree challenged in A.S.8/98 was based on Ext.A31 judgment passed by the same Judge before whom A.S.8/98 is pending, in the interest of justice it is necessary to transfer the appeal to some other court. Petition is allowed. A.S.8/98 pending before District court, Kavarathi is transferred to District court, Kozhikode for disposal

in accordance with law.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.

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M.SASIDHARAN NAMBIAR,J.

**ORDER**

C.M.C.No.64 OF 2000

27TH September 2006

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